

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Examiner ..... Backhean Tiv  
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Title: Communications Methods, Communications Session Organizers,  
Communications Session Participants, Articles Of Manufacture, And  
Communications Systems

**BRIEF OF APPELLANT**

To: Mail Stop Appeal Brief-Patents  
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Appellant appeals from the Office Action mailed July 15, 2009 (hereinafter "Office Action" or "Action"). The Commissioner is authorized to charge the fee required under 37 C.F.R. § 41.20(b)(2) to Deposit Account No. 08-2025.

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## **I. REAL PARTY IN INTEREST**

The real party in interest of this application is Hewlett-Packard Development Company, L.P. as evidenced by the full assignment of the pending application to Hewlett-Packard Development Company, L.P. recorded starting at Reel 014632, Frame 0187, in the Assignment Branch of the Patent and Trademark Office. The Hewlett-Packard Development Company, L.P., is a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

## **II. RELATED APPEALS AND INTERFERENCES**

Appellant, Appellant's undersigned legal representative, and the assignee of the pending application are aware of no appeals or interferences which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

## **III. STATUS OF THE CLAIMS**

Claims 1-9 and 35-50 are pending, stand rejected, and are appealed. Claims 10-34 are canceled.

## **IV. STATUS OF AMENDMENTS**

No amendments have been filed after the Office Action mailed July 15, 2009.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Concise explanations of the subject matter defined in each of the independent claims and argued dependent claims involved in the appeal follow with respect to exemplary illustrative embodiments of the specification and figures.

### **Summary**

Referring to independent claim 1, arranging scalable media data into data structures formatted in accordance with a content independent indexable data

structure format including one or more fields indicating a level of scalability is described with respect to Fig. 3 and page 10, line 3 according to one embodiment. Organizing the arranged scalable media data in a bit stream in which a plurality of levels of scalability of the scalable media data coexist is described at page 10, line 12 according to one embodiment. Organizing the scalable media data into a plurality of subparts is described with respect to Fig. 4 and page 11, line 19 according to one embodiment. Receiving a plurality of data requests from a plurality of participants requesting different ones of the subparts during user interaction with the media data, wherein at least two of the participants support different levels of scalability for the media data is described with respect to Fig. 6, step S18 and page 16, line 12 according to one embodiment. Retrieving from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants is described with respect to Fig. 6, step S20 and page 16, line 18 according to one embodiment. Communicating the subparts at the retrieved levels of scalability to respective ones of the participants is described with respect to Fig. 5 and page 16, line 22 according to one embodiment.

Referring to independent claim 35, a communications session organizer 12 is described at page 4, line 8 and shown in Fig. 1 and described at page 14, line 28 and Fig. 5 according to one embodiment. An interface 60 configured to communicatively couple with a plurality of participants during an interactive media communications session is described at page 14, line 30. Processing circuitry coupled with the interface and configured to access a plurality of data requests from the participants during the communications session, to identify a plurality of subparts of scalable media data responsive to the requests, to scale the subparts of the media data according to respective receiving attributes of the participants, and to output the scaled media data to respective ones of the participants is shown in Fig. 5 and described at page 15, line 3 and described at Fig. 6 and page 15, line 22 according to one embodiment.

Referring to dependent claim 39, the processing circuitry configured to access an index using the data requests to identify the subparts is described at Fig. 4 and page 11, line 13 according to one embodiment.

Referring to dependent claim 41, processing circuitry configured to cause the interface to communicate first content of the scalable media data regarding a first portion of a subject at an initial moment in time, and wherein the data requests request second content of the scalable media data regarding a second portion of the subject different than the first portion of the subject at a subsequent moment in time after the initial moment in time is described at Fig. 6 and steps S16, S18 and S20 and at page 16, line 5 according to one embodiment.

Referring to dependent claim 45, the processing circuitry configured to arrange the scalable media data into the subparts in accordance with a content independent index and to use the content independent index to scale the subparts of the media data is described at Fig. 4 and page 11, line 13 according to one embodiment.

Referring to independent claim 46, an article of manufacture comprising processor-usable media comprising programming for processing circuitry of an organizer is described at page 9, line 12 according to one embodiment. Accessing scalable media data comprising a plurality of subparts is described at page 15, line 27 at step S10 according to one embodiment. Accessing a plurality of data requests from a plurality of participants coupled with the organizer and configured to identify different ones of the subparts is described at page 16, line 12 at step S18 according to one embodiment. Accessing a plurality of receiving attributes for respective ones of the participants and scaling the identified subparts according to respective ones of the receiving attributes is described at page 15, line 31 at step S12 and page 16, line 18 of step S20 according to one embodiment. Communicating the scaled subparts to the participants is described at page 16, line 22 of step S22 of Fig. 6 in one embodiment.

Referring to dependent claim 49, programming is configured to cause processing circuitry to access an index of the scalable media data responsive to the data requests; and identify the respective ones of the different subparts using the index is described at Fig. 4 and 11, line 13 according to one embodiment.

## VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. The 103 rejection of claims 1-9 and 35-50 over the combination of Karla, Goetz and Molteno.
- B. The 103 rejection of claims 1-9 over Karla, Goetz and Molteno.
- C. The 103 rejection of claim 39 over Karla, Goetz and Molteno.
- D. The 103 rejection of claim 41 over Karla, Goetz and Molteno.
- E. The 103 rejection of claim 45 over Karla, Goetz and Molteno.
- F. The 103 rejection of claim 49 over Karla, Goetz and Molteno.

## VII. ARGUMENT

- A. **The combination of Karla, Goetz and Molteno is improper and the 103 rejection of claims 1-9 and 35-50 is in error.**

Referring to the 103 rejection of all claims over the combination Karla and Molteno, Appellants respectfully submit that the teachings of Karla have been improperly modified by the teachings of Molteno by the Office in support of the conclusion that the claimed limitations are obvious.

More specifically, the MPEP states that the concept of prima facie obviousness allocates who has the burden of going forward with production of evidence in each step of the examination process and the *examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness*. MPEP §2142 (8<sup>th</sup> ed., rev. 7). As discussed in *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785,788 (Fed. Cir. 1984), the examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a prima facie case of unpatentability. *Some articulated reasoning with some rational underpinning* to support the legal conclusion of obviousness is needed. *KSR Int'l v. Teleflex, Inc.*, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007). MPEP 2142 (8<sup>th</sup> ed., rev. 7) further provides that rejections on obviousness *cannot be sustained with mere conclusory statements*; instead there must be some articulated reasoning with some rational underpinning to support a legal conclusion of obviousness and which must be *factually supported* per MPEP 2142.

At pages 4 and 7, the Office states that the modification of Karla using Molteno is appropriate “in order to improve performance of communication of media based on the preferences of the users or communication link.” Appellants respectfully submit this reasoning is not properly supported by objective teachings of the references or other evidence and the 103 rejection is in error.

In particular, Karla discloses at col. 2, lines 33+ that the client computers have different configurations and capabilities and also have associated profiles and that different amounts of the data may be accessed by the client computers *according to the respective profiles of the client computers*. The streams accessed from the server are tailored to match the profiles of the client computers so that the best combination of streams can be provided to the clients. Karla further provides that the accessing of different amounts of data allows the *various combinations of content and resolution to be tailored to match the capabilities of the client computers* so that the best combination of streams can be provided to maximize the resolution of the components of the clients per col. 2, lines 40+. Furthermore, at col. 15, lines 50+, Karla discloses use of *available bandwidth* as well as the client profiles to select the appropriate streams.

Accordingly, Karla already discloses providing improved performance of communication of media based on both the clients’ preferences and the communication link. The Office has failed to provide a proper reasoning supported by an rational underpinning in support of the combination of Molteno with the other references. The Office has failed to provide any supported reason as to how performance of Karla would be improved by the combination with Molteno over the teachings of Karla taken individually which already discloses use of a client’s capabilities as well as the communications link to control the streams which are used. The Office has failed to identify any objective teachings or other objective evidence in support of the allegation that performance of communication would be improved by the combination. The Office has failed to demonstrate any articulated reasoning supported by a rational underpinning as to why one of skill would combine the teachings of Molteno with the teachings of Karla in the manner proposed by the Office.

Appellants respectfully assert the 103 rejection is improper for at least the above-mentioned reasons.



The Office also refers to paragraph 0006 of Molteno in support of the combination of the references. Paragraph 0006 of Molteno discloses that a server may transmit data having different formats and content based upon client preferences and measured characteristics of the communications link. However, Karla discloses provision of different amounts of data to different users based upon the profiles of the respective clients and the communication bandwidth and paragraph 0006 fails to demonstrate that the communications arrangement of Karla would be improved over the teachings of Karla without modification and paragraph 0006 fails to provide a rational underpinning that a modification to Karla according to Molteno provides any improvement of performance as alleged in support of the rejection.

At page 12 of the Office Action, the Office responds to arguments set forth in the previous response to Office Action of Appellants which asserts that the combination of Molteno is improper. However, in the Response to Arguments section of the Office Action, the Office merely reiterates the same generic rationale for the combination of references (which is unsupported by a rational underpinning) in order to improve performance of communication of media based on the preferences of the users and of the communications link per paragraph 0006 of Molteno. Appellants respectfully submit that these Molteno teachings fail to demonstrate that the modification proposed by the Office improves imperformance over the teachings of the uncombined prior art. Appellants respectfully submit that the Office has failed to provide a rational underpinning in support of the combination of references and the Office has failed meet its burden of establishing a proper prima facie 103 rejection over the numerous prior art references.

Appellants respectfully submit the 103 rejections over the combination of Molteno with Karla and Goetz is improper for the above-mentioned reasons. Appellants respectfully request reversal of the 103 rejections and allowance of the claims.

**B. Positively-recited limitations of claims 1-9 are not disclosed nor suggested by the teachings of Karla, Goetz and Molteno and the 103 rejection is in error.**

Claim 1 recites *arranging scalable media data into data structures formatted in accordance with a content independent indexable data structure format including one or more fields indicating a level of scalability and receiving a plurality of data requests from a plurality of participants requesting different ones of the subparts during user interaction with the media data, wherein at least two of the participants support different levels of scalability for the media data*. Claim 1 further recites *retrieving from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants*.

At page 3 of the Office Action, the Office relies upon the teachings of col. 4, lines 56+ and col. 7, lines 40+ of Goetz as allegedly teaching the above-recited limitations. However, the teachings in col. 4 of Goetz disclose that the video media type may be encoded at different transfer rates and the teachings in col. 7 disclose a generic media block format which describes certain common features. These teachings are void of disclosing *arranging scalable media data into data structures formatted in accordance with a content independent indexable data structure format including one or more fields indicating a level of scalability* as claimed.

Furthermore, Goetz teaches away from the claimed limitations. Goetz teaches that the audio or video content contains data packets in the file body at col. 6, lines 35. Col. 8, lines 32 states that each packet includes pre-assigned importance information *indicative of the relative importance of the packet with respect to the quality of the presentation* and some packets are highly important where the data would be unintelligible in their absence and other packets are less important and concealable. Accordingly, the importance information is clearly dependent upon content of the data itself. Goetz provides in the Abstract that the server streams the units of multimedia to the client in response to the importance information (which is content dependent of whether the content of the data packet is important or concealable).

Appellants respectfully submit that the explicit teachings of Goetz of streaming packets *in response to the importance of the data content* teaches away

from the above-recited limitations of *arranging and retrieving in accordance with or using the content independent indexable data structure format* as claimed. Appellants refer to MPEP 2141.02VI (8<sup>th</sup> ed., rev. 7) entitled PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS. This MPEP section further states that a prior art reference must be considered in its entirety, i.e., *as a whole*, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983). Such teaching away is the antithesis of the art's suggesting that the person of ordinary skill go in the claimed direction. Essentially, teaching away from the art is a *per se* demonstration of lack of obviousness. *In re Dow Chemical Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988). The explicit teaching in Goetz of streaming data according to the *content dependent* importance information teaches away from the arranging and retrieving limitations recited in claim 1 and claim 1 is allowable for at least this additional reason.

Referring to the Response to Arguments section of page 13 of the Office Action, the Office also relies upon new teachings in Goetz in the Abstract, col. 9, lines 43-53, col. 11, lines 48-67 and col. 13, lines 1-67 as allegedly teaching the above-recited limitations. Referring to the Abstract of Goetz, such clearly discloses streaming data *in response to importance information which is clearly content dependent* as discussed above and fails to teach the above-recited limitations.

The teachings in col. 9, lines 43+ of Goetz are directed to creating files and fail to teach the claimed arranging of the scalable media data limitations into data structures formatted in accordance with a *content independent indexable data structure format* and also fail to provide any teachings regarding retrieving the subparts as claimed.

The teachings in col. 11, lines 48+ of Goetz refer to calculating round-trip delay and fail to teach or suggest the claimed arranging and retrieving limitations using *content independent indexable data structures* as claimed. The teachings in col. 13, lines 1+ of Goetz also fail to teach or suggest the claimed arranging and retrieving limitations using *content independent indexable data structures*.

As discussed above, Goetz clearly discloses arranging, retrieving and communicating the data based upon the content (i.e., importance) of the data and accordingly Goetz teaches away from the claimed limitations as discussed above.

Furthermore, Goetz teaches *modifying a streaming rate in response to the importance information and inferred network conditions* per the Abstract of Goetz. Goetz fails to disclose the claimed limitations of *retrieving respective ones of the subparts at levels of scalability corresponding to receiving attributes of the respective participants* as explicitly claimed.

Appellants respectfully submit that the above-recited limitations of the claims are not disclosed nor suggested by the multiple prior art references and the references teach away from the claimed combination and the 103 rejection is in error for at least these reasons.

Appellants respectfully request reversal of the rejection and allowance of the claims.

**C. Positively-recited limitations of claim 39 are not disclosed nor suggested by the teachings of Karla, Goetz and Molteno and the 103 rejection is in error.**

Claim 39 recites that the *processing circuitry is configured to access an index using the data requests to identify the subparts*.

At page 8 of the Office Action, the Office relies upon teachings of cols. 4 and 7 of Karla as allegedly disclosing the claimed limitations. Appellants respectfully submit that the prior art references taken alone or in combination fail to teach or suggest the claimed limitations and the 103 rejection is in error for at least this reason.

The teachings of Karla identified by the Office as allegedly teaching the claimed limitations are void of any reference to an "index" let alone disclosing that processing circuitry is configured to access an index using the data requests to identify the subparts as specifically claimed.

Appellants respectfully submit that the above-recited limitations of the claim are not disclosed nor suggested by the multiple prior art references and the 103 rejection is in error for at least these reasons.

Appellants respectfully request reversal of the rejection and allowance of the claim.

**D. Positively-recited limitations of claim 41 are not disclosed nor suggested by the teachings of Karla, Goetz and Molteno and the 103 rejection is in error.**

Claim 41 recites that *the processing circuitry is configured to cause the interface to communicate first content of the scalable media data regarding a first portion of a subject at an initial moment in time, and wherein the data requests request second content of the scalable media data regarding a second portion of the subject different than the first portion of the subject at a subsequent moment in time after the initial moment in time.*

At page 9 of the Office Action, the Office relies upon teachings of Kalra and Molteno as allegedly disclosing the claimed limitations. Appellants respectfully submit that the references taken alone or in combination fail to teach or suggest the claimed limitations and the 103 rejection is in error for at least this reason.

The Abstract and col. 2, lines 28+ of Kalra discloses that different client computers may access different stream combinations according to profile which is void of teaching the claimed limitations of *communication of the first content regarding the first portion of the subject or the data requests for the second portion of the subject different than the first portion of the subject*. Furthermore, Figs. 16A and 16B are void of teachings these limitations.

Referring to paragraphs 6, 15 and 24 of Molteno, this reference teaches the server transmitting a preview of an image and subsequently sends data regarding regions of the image which are of interest in response to requests from the client. However, as clearly set forth in paragraph 22 in Molteno, the region of interest corresponds to the same image as the preview and the additional data provided is for *an improved representation of the same image*. Molteno fails to teach or suggest the claimed limitations of that *the data requests request second content of the scalable media data regarding a second portion of the subject different than the first portion of the subject* as specifically claimed.

Appellants respectfully submit that the above-recited limitations of the claim are not disclosed nor suggested by the multiple prior art references and the 103 rejection is in error for at least these reasons.

Appellants respectfully request reversal of the rejection and allowance of the claim.

**E. Positively-recited limitations of claim 45 are not disclosed nor suggested by the teachings of Karla, Goetz and Molteno and the 103 rejection is in error.**

Claim 45 recites that the *processing circuitry is configured to arrange the scalable media data into the subparts in accordance with a content independent index and to use the content independent index to scale the subparts of the media data.*

The teachings in col. 4, lines 56+ of Goetz are void of teachings regarding an index let alone the claimed limitations of the processing circuitry configured to arrange the data and scale the data using a content independent index as explicitly claimed. The teachings in col. 7, lines 40+ of Goetz disclose a generic media block format which describes certain common features void of index teachings. Furthermore, Goetz states at col. 13, lines 5 that conventional indexing schemes are known with no teachings that a content independent index is used for arrangement or scaling of data.

As discussed above, Goetz teaches that data is streamed based upon importance information (i.e., content) of the data itself which teaches away from the claimed limitations of the *processing circuitry configured to arrange the scalable media data into the subparts in accordance with a content independent index and to use the content independent index to scale the subparts of the media data.*

Appellants respectfully submit that the above-recited limitations of the claim are not disclosed nor suggested by the multiple prior art references and the 103 rejection is in error for at least these reasons.

Appellants respectfully request reversal of the rejection and allowance of the claim.

**F. Positively-recited limitations of claim 49 are not disclosed nor suggested by the teachings of Karla, Goetz and Molteno and the 103 rejection is in error.**

Claim 49 recites that the *programming is configured to cause processing circuitry to access an index of the scalable media data responsive to the data requests; and identifying the respective ones of the different subparts using the index.*

The teachings of cols. 4, lines 56 + and 7, lines 40 + of Karla are void of any reference to an "index" let alone disclosing that processing circuitry is configured to access an index using the data requests or to identify the subparts using the index as specifically claimed.

Appellants respectfully submit that the above-recited limitations of the claim are not disclosed nor suggested by the multiple prior art references and the 103 rejection is in error for at least these reasons.

Appellants respectfully request reversal of the rejection and allowance of the claim.

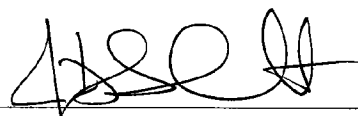
**G. Conclusion**

In view of the foregoing, reversal of the rejections of the claims is respectfully requested. For any one of the above-stated reasons, the rejections of the respective claims should be reversed. In combination, the above-stated reasons overwhelmingly support such reversal. Accordingly, Appellants respectfully request that the Board reverse the rejections of the claims.

Respectfully submitted,

Date: 12/9/09

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**VIII. CLAIMS APPENDIX**

1           1.     (Previously Presented) A communications method in an interactive  
2 session comprising:  
3           arranging scalable media data into data structures formatted in  
4 accordance with a content independent indexable data structure format  
5 including one or more fields indicating a level of scalability;  
6           organizing the arranged scalable media data in a bit stream in which a  
7 plurality of levels of scalability of the scalable media data coexist;  
8           organizing the scalable media data into a plurality of subparts;  
9           receiving a plurality of data requests from a plurality of participants  
10 requesting different ones of the subparts during user interaction with the media  
11 data, wherein at least two of the participants support different levels of  
12 scalability for the media data;  
13          retrieving from the bit stream using the format of the content independent  
14 indexable data structures respective ones of the requested subparts at levels of  
15 scalability corresponding to receiving attributes of the respective participants;  
16 and  
17          communicating the subparts at the retrieved levels of scalability to  
18 respective ones of the participants.

1           2.     (Original) The method of claim 1 further comprising accessing  
2 random subparts corresponding to the data requests, and wherein the scaling  
3 comprising scaling the accessed subparts.

1           3.     (Original) The method of claim 1 wherein the receiving attributes  
2 relate to unique parameters of the participants with respect to at least one  
3 communications bandwidth, display resolution, and processing capacity.

1           4.     (Previously Presented) The method of claim 1 further comprising  
2 performing transcoding operations without decoding the media data.



1           5.     (Original) The method of claim 4 wherein the initial one of the  
2 subparts corresponds to an initial visual image to be depicted by the  
3 participants, and the forwarding of the initial one of the subparts comprises  
4 forwarding a plurality of data streams of different amounts of data  
5 corresponding to the receiving attributes of the respective participants.

1           6.     (Original) The method of claim 5 further comprising depicting the  
2 initial visual image at a plurality of different resolutions using the participants  
3 and responsive to the data streams comprising different amounts of data.

1           7.     (Original) The method of claim 4 further comprising depicting  
2 visual images of the media data using the participants, wherein the initial one of  
3 the subparts comprises an initial visual image, and the data requests correspond  
4 to interactive commands generated by the participants requesting additional  
5 views of the initial visual image.

1           8.     (Previously Presented) The method of claim 1 further comprising:  
2 performing transcoding operations without knowledge of the data content.

1           9.     (Previously Presented) The method of claim 1 further comprising  
2 performing transcoding operations without decrypting the media data.

1           35.    (Previously Presented) A communications session organizer  
2 comprising:  
3           an interface configured to communicatively couple with a plurality of  
4 participants during an interactive media communications session; and  
5           processing circuitry coupled with the interface and configured to access a  
6 plurality of data requests from the participants during the communications  
7 session, to identify a plurality of subparts of scalable media data responsive to  
8 the requests, to scale the subparts of the media data according to respective  
9 receiving attributes of the participants, and to output the scaled media data to  
10 respective ones of the participants.

1           36. (Previously Presented) The organizer of claim 35 further  
2 comprising storage circuitry configured to store the scalable media data.

1           37. (Previously Presented) The organizer of claim 35 wherein the  
2 processing circuitry is further configured to communicate an initial one of the  
3 subparts of scalable media data corresponding to an initial visual image to be  
4 depicted by the participants, and the communicated initial one of the subparts  
5 comprises a plurality of data streams of different amounts of data corresponding  
6 to the receiving attributes of the respective participants.

1           38. (Previously Presented) The organizer of claim 35 wherein the  
2 processing circuitry is further configured to communicate an initial one of the  
3 subparts of scalable media data corresponding to an initial visual image to be  
4 depicted by the participants, and wherein the data requests correspond to  
5 interactive commands generated by the participants requesting additional visual  
6 images related to the initial visual image.

1           39. (Previously Presented) The organizer of claim 35 wherein the  
2 processing circuitry is configured to access an index using the data requests to  
3 identify the subparts.

1           40. (Previously Presented) The organizer of claim 35 wherein the  
2 processing circuitry is configured to receive the receiving attributes from the  
3 participants, and further comprising storage circuitry configured to store the  
4 receiving attributes.

1           41. (Previously Presented) The organizer of claim 35 wherein the  
2 processing circuitry is configured to cause the interface to communicate first  
3 content of the scalable media data regarding a first portion of a subject at an  
4 initial moment in time, and wherein the data requests request second content of  
5 the scalable media data regarding a second portion of the subject different than  
6 the first portion of the subject at a subsequent moment in time after the initial  
7 moment in time.

1           42.   (Previously Presented) The organizer of claim 41 wherein the first  
2 content is void of data regarding the second portion of the subject.

1           43.   (Previously Presented) The organizer of claim 41 wherein the  
2 second portion is a portion of the subject not included in the first portion of the  
3 subject.

1           44.   (Previously Presented) The organizer of claim 41 wherein the  
2 scalable media data comprises image data of an image of the subject, and the  
3 first portion comprises a first view of the subject and the second content  
4 comprises a second view of the subject different than the first view, and  
5 wherein a portion of the subject contained in the second view is not included in  
6 the first view.

1           45.   (Previously Presented) The organizer of claim 35 wherein the  
2 processing circuitry is configured to arrange the scalable media data into the  
3 subparts in accordance with a content independent index and to use the content  
4 independent index to scale the subparts of the media data.

1           46.   (Previously Presented) An article of manufacture comprising:  
2 processor-usable media comprising programming configured to cause  
3 processing circuitry of an organizer to:  
4               access scalable media data comprising a plurality of subparts;  
5               access a plurality of data requests from a plurality of participants  
6 coupled with the organizer and configured to identify different ones of the  
7 subparts;  
8               access a plurality of receiving attributes for respective ones of the  
9 participants;  
10              scale the identified subparts according to respective ones of the  
11 receiving attributes; and  
12              communicate the scaled subparts to the participants.

1           47. (Previously Presented) The article of claim 46 wherein the  
2 programming is configured to cause processing circuitry to communicate an  
3 initial one of the subparts corresponding to an initial visual image to be depicted  
4 by the participants, and the data requests are received in the organizer  
5 responsive to the communication of the initial subpart.

1           48. (Previously Presented) The article of claim 47 wherein the  
2 programming is configured to cause processing circuitry to scale the initial  
3 subpart using the receiving attributes, and wherein the communication of the  
4 initial subpart comprises communicating a plurality of data streams of different  
5 amounts of data to respective ones of the participants.

1           49. (Previously Presented) The article of claim 46 wherein the  
2 programming is configured to cause processing circuitry to:  
3           access an index of the scalable media data responsive to the data  
4 requests; and  
5           identifying the respective ones of the different subparts using the index.

1           50. (Previously Presented) The article of claim 46 wherein the scalable  
2 media data comprises scalable media data configured to be scaled according to  
3 at least one scalability attribute, and wherein the programming is configured to  
4 cause processing circuitry to match the at least one scalability attribute and the  
5 respective ones of the receiving attributes to scale the identified subparts.

**IX. EVIDENCE APPENDIX**

Appellants submit no evidence with this appellate brief.

**X. RELATED PROCEEDINGS APENDIX**

Appellants are not aware of any related proceedings.